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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN PETTITT, MURPHY LABRADOR
CORPORATION, MAX GSD TRUST OF
1998 BY BARBARA MUSSER,
TRUSTEE,

Plaintiffs,

v.

JOHN CHIANG, individually and in his
capacity as STATE CONTROLLER OF
THE STATE OF CALIFORNIA,

Defendant.

Case No.: 07 CV 05854 CW

SUPPORTING DECLARATION OF
RITA M. COE RE FILING OF NOTICE
OF APPEAL ON MAY 20, 2008.

Date: August 14, 2008
Time: 2:00 p.m.
Dept: 2

I, Rita M. Coe, declare as follows:

1. I am a legal secretary employed by Adamont N. Georgeson, attorney at law, whose address is 1101 Fifth Avenue, Suite 310, San Rafael, California. I have been employed in that capacity for approximately fourteen years.

2. On May 20, 2008, Mr. Georgeson prepared a Notice of Appeal which he asked me to file. When I got into the case at the e-filing website, a notice appeared that the case was closed. I called the Clerk of the above-captioned court advising her that I was


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1 attempting to file a Notice of Appeal, but that the website said the case was closed. The
2 Clerk told me to go ahead anyway with the electronic transmission of the Notice of
3 Appeal. I then had difficulty finding a "category" in which to place the words "Notice of
4 Appeal" and following advice from a senior paralegal in the office, whose declaration is
5 submitted herewith, we entered the words "Notice of Appeal" in the space for "Other". I
6 did not receive any message to the effect that the transmission did not go through.
7 Immediately following the transmission, I sent a hard copy of the Notice of Appeal that
8 same day to the Clerk to Judge Claudia Wilkin. I received written confirmation from
9 Federal Express that the letter and notice had been received and signed for on May 21,
10 2008 at 9:40 a.m. A copy of the Federal Express receipt is submitted herewith and
11 incorporated herein as Exhibit "A".
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15 3. Only on July 2, 2008, during a calendar update, did I discover that confirmation of
16 the filing of the appeal had not been received.

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18 4. If called as a witness, I could and would testify competently to the matters asserted
19 herein or as to the information and belief upon which I base the matters so asserted.

20 I declare under penalty of perjury, according to the laws of the State of California,
21 that the foregoing is true and correct, and that this declaration was executed on July 9,
22 2008, at San Rafael, California.
23

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26 Rita M. Coe
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